

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Frank, *et al.*
Appl. No.: to be assigned
Filed: June 5, 2001
For: **A Gene Encoding a Multidrug Resistance Human P-Glycoprotein
Homologue on Chromosome 7p15-21 and Uses Thereof**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION (37 C.F.R. § 1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the application identified above.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any United States provisional applications or foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

<u>Application Serial No.</u>	<u>Country</u>	<u>Filing Date (Day/Month/Year)</u>	<u>Priority Claimed (Yes/No)</u>
60/208,913	United States	June 5, 2000	Yes

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (Patented, Pending, Abandoned)</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint William P. Atkins, Reg. No. 38,821; Jack S. Barufka, Reg. No. 37,087; Brian J. Beatus, Reg. No. 38,825; W. Patrick Bengtsson, Reg. No. 32,456; Donald J. Bird, Reg. No. 25,323; Michael R. Dzwonczyk, Reg. No. 36,787; Lynn E. Eccleston, Reg. No. 35,861; G. Paul Edgell, Reg. No. 24,238; Stephen C. Glazier, Reg. No. 31,361; Adam R. Hess, Reg. No. 41,835; David H. Jaffer, Reg. No. 32,243; David A. Jakopin, Reg. No. 32,995; John J. Jobe, Reg. No. 28,429; Kevin E. Joyce, Reg. No. 20,508; G. Lloyd Knight, Reg. No. 17,698; Paul N. Kokulis, Reg. No. 16,773; Dale S. Lazar, Reg. No. 28,872; Raymond F. Lippitt, Reg. No. 17,519; Carl G. Love, Reg. No. 18,781; Paul F. McQuade, Reg. No. 31,542; Anthony L. Miele, Reg. No. 34,393; Mark G. Paulson, Reg. No. 30,793; Glenn J. Perry, Reg. No. 28,458; Mark C. Pickering, Reg. No. 36,239; Michael A. Sanzo, Reg. No. 36,912; Paul L. Sharer, Reg. No. 36,004; George M. Sirilla, Reg. No. 18,221; Robin L. Teskin, Reg. No. 35,030; Robert J. Walters, Reg. No. 40,862; Roger R. Wise, Reg. No. 31,204; Richard H. Zaitlen, Reg. No. 27,248, all registered to practice before the Patent and Trademark Office, as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith and request that all correspondence and telephone communications be directed to the following person(s) at the mailing address and telephone number hereafter given:

Name: Michael A. Sanzo
Registration No.: 36,912
Address: Pillsbury Winthrop LLP
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Signature of Inventor Markus H. Frank Date

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Signature of Inventor Mohamed H. Sayegh Date

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Assignment to The Brigham and Women's Hospital, Inc.

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As a below-named inventor, I hereby declare that:

My post office address is as stated below under my signature and I am named as inventor of the inventions or discoveries (herein INVENTIONS) as described in the patent application (herein APPLICATION) identified above. In view of valuable consideration, receipt of which is hereby acknowledged, I do hereby assign and transfer unto The Brigham and Women's Hospital, Inc. (hereinafter "BWH"), a not-for-profit organization of the State of Massachusetts, its successors and assigns, my entire interest in and the full and exclusive right to the INVENTIONS, the APPLICATION and all related applications (including all divisions, reissues, continuations, and extensions thereof) and all counterparts in other countries, and any and all Letters Patent (and certificates of invention or similar certificates) (herein PATENTS) which may be granted based upon the INVENTIONS or the APPLICATION or related applications or counterparts in other countries; said transfer and assignment being applicable throughout the world. I hereby authorize and request officials of patent offices in any and all countries of the world to issue any and all of the PATENTS, when granted, to BWH, its successors and assigns, as the assignee of my entire right, title, and interest in and to the same. I agree that I will communicate to BWH, or its representatives, any facts known to me respecting the invention; testify in any legal proceedings; sign all lawful papers; execute all divisional, continuation, substitution, renewal, and reissue applications; execute all necessary assignment papers to cause any and all of the PATENTS to be issued to BWH; make all rightful oaths; and generally do everything possible to aid BWH, its

successors and assigns, to obtain and enforce proper protection for the INVENTION in any and all countries throughout the world.

Signature of Inventor Markus H. Frank

Date

Address: 32A Roberts Road
Cambridge, Massachusetts 02138

Signature of Inventor Mohamed H. Sayegh

Date

Address: 21 Martingale Lane
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TELETYPE UNIT